

REMARKS

Claims 1-5, 7-10, 13-17, 19-22 and 25 are pending. Claims 13-17, 19-22, and 25 have been cancelled. All pending claims are rejected under 35 U.S.C. §103(a) as being unpatentable over Montulli (US 5,774,670) in view of Deaton et al. (US 5,621,812) and in further view of Bly et al. (US 5,220,657). Claims 13-17, 19-22, and 25 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 13-17, 19-22, and 25 are also rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The affidavit previously submitted has been objected to as not containing an allegation that the acts relied upon took place in this country or in a NAFTA country or WTO member country.

While Applicants respectfully disagree with the assertion that a database or web site is not a physical structure, claims 13-17, 19-22, and 25 have been cancelled to move prosecution along. Applicants reserve the right to pursue the cancelled claims in a continuation application. It is respectfully requested that the §101 and §112 rejections be removed.

Additionally, the previously submitted declaration has been re-submitted with an allegation that the acts relied upon were performed in this country or a NAFTA country. Reconsideration of the declaration is respectfully requested.

Applicant respectfully submits that the attached declaration and exhibits provide satisfactory factual evidence of the conception and subsequent reduction to practice of the invention as claimed prior to the effective date of the cited art per MPEP 715.07.

In light of the submitted declaration, it is respectfully submitted that the Montulli reference is no longer available under 35 U.S.C. §102(a)/(e), or 35 U.S.C. §103(a). See MPEP 715.

Reconsideration and early allowance of this case is respectfully requested in light of the present amendments and remarks.

If the Examiner has any questions regarding this application or this response, the Examiner is requested to telephone the undersigned at 775-848-5624.

Respectfully submitted,
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